

House File 82 - Introduced

HOUSE FILE _____
BY SCHUELLER, BUKTA, SWAIM,
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GAYMAN, MERTZ, and
LUKAN

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act providing volunteer emergency services providers
2 protection from employment termination.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 1093HH 83
5 ak/rj/5

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1 1 Section 1. NEW SECTION. 100B.14 VOLUNTEER JOB
1 2 PROTECTION.
1 3 1. This section shall be known as the "Volunteer Emergency
1 4 Services Providers Job Protection Act".
1 5 2. For the purposes of this section, "volunteer emergency
1 6 services provider" means a volunteer fire fighter as defined
1 7 in section 85.61, a reserve peace officer as defined in
1 8 section 80D.1A, an emergency medical care provider as defined
1 9 in section 147A.1, or other personnel having voluntary
1 10 emergency service duties and who are not paid full-time by the
1 11 entity for which the services are performed.
1 12 3. A public or private employer shall not terminate the
1 13 employment of an employee for joining a volunteer emergency
1 14 services unit or organization, including but not limited to
1 15 any municipal, rural, or subscription fire department.
1 16 4. A public or private employer shall not terminate the
1 17 employment of an employee who is a volunteer emergency
1 18 services provider who, because the employee was fulfilling the
1 19 employee's duties as a volunteer emergency services provider,
1 20 is absent from or late to work.
1 21 5. An employer may deduct from an employee's regular pay
1 22 an amount of regular pay for the time that an employee who is
1 23 a volunteer emergency services provider is absent from work
1 24 while performing duties as a volunteer emergency services
1 25 provider.
1 26 6. An employer may request that an employee who is a
1 27 volunteer emergency services provider and who is absent from
1 28 work while responding to an emergency provide the employer
1 29 with a written statement from the supervisor or acting
1 30 supervisor of the volunteer emergency services unit or
1 31 organization stating that the employee responded to an
1 32 emergency and stating the date and time of the emergency.
1 33 7. An employee who is a volunteer emergency services
1 34 provider and who may be absent from or late to work while
1 35 performing duties as a volunteer emergency services provider
2 1 shall make a reasonable effort to notify the employer that the
2 2 employee may be absent or late.
2 3 8. An employee whose employment is terminated in violation
2 4 of this section may bring a civil action against the employer.
2 5 The employee may seek reinstatement to the employee's former
2 6 position, payment of back wages, reinstatement of fringe
2 7 benefits, and, where seniority rights are granted,
2 8 reinstatement of seniority rights. If the employee prevails
2 9 in such an action, the employee shall be entitled to an award
2 10 of reasonable attorney fees and the costs of the action. An
2 11 employee must commence such an action within one year after
2 12 the date of termination of the employee's employment.

EXPLANATION

2 13 This bill establishes the volunteer emergency services
2 14 providers job protection Act. The bill prohibits public and
2 15 private employers from terminating the employment of employees
2 16 who become volunteer emergency services providers or who are
2 17

2 18 absent from or late to work due to the employee's service as a
2 19 volunteer emergency services provider. If the employee misses
2 20 work as a result of voluntary service, the employer may deduct
2 21 an amount of regular pay from the employee's wages for the
2 22 time away from work and the employer may require that the
2 23 employee provide written verification of the employee's
2 24 voluntary service.

2 25 The bill allows a volunteer emergency services provider
2 26 whose employment is terminated in violation of the bill to
2 27 bring a civil action against the employer within one year of
2 28 the violation. The employee may seek reinstatement of
2 29 employment, back wages, benefits, and reinstatement of
2 30 seniority. The bill also allows a successful employee to
2 31 recover reasonable attorney fees and court costs.

2 32 LSB 1093HH 83

2 33 ak/rj/5